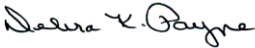
	<p>POLICIES AND PROCEDURES</p> <p>State of Tennessee Department of Intellectual and Developmental Disabilities</p>	Policy #: 80.2.2	Page 1 of 4
		Effective Date: February 10, 2016	
		Distribution: B	
Policy Type: Community Waiver		Supersedes: 80.2.2 (05/02/13)	
Approved by:  Commissioner  Debra K. Payne		Last Review or Revision: January 14, 2016	
Subject: ABUSE REGISTRY REVIEW COMMITTEE			

- I. **AUTHORITY:** Tennessee Code Annotated (T.C.A.) 4-3-2708, T.C.A. 33-1-203, T.C.A. 33-1-302(a) (3), T.C.A. 33-1-303, T.C.A. 33-1-305, T.C.A. 68-11-1001 through -1005.
- II. **PURPOSE:** To establish a procedure for referring to the Abuse Registry certain individuals who have been substantiated for abuse, neglect, or exploitation and who are employees of facilities operated by DIDD, or community agencies or providers that contract with and/or are licensed by the Department of Intellectual and Developmental Disabilities (hereinafter "DIDD" or the "Department") for the provision of services.
- III. **APPLICATION:** This policy applies to members of the Abuse Registry Review Committee.
- IV. **DEFINITIONS:**
  - A. **Abuse** shall mean the knowing infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish.
  - B. **Abuse Registry** shall mean the registry maintained by the Department of Health which contains the names of persons who have abused, neglected, exploited, or misappropriated property of a vulnerable person as defined in T.C.A. 68-11- 1002(8). The registry is established by T.C.A. 68-11-1001, *et seq.*
  - C. **Abuse Registry Review Committee (ARRC)** shall mean the DIDD central office committee that reviews the cases of certain individuals who have been substantiated for abuse, neglect, or exploitation to make decisions regarding referrals for placement on the Abuse Registry.
  - D. **Exploitation** shall mean actions including but not limited to the deliberate misplacement, misappropriation or wrongful, temporary or permanent use of belongings or money with or without consent of a person using services. The illegal or improper use of a person's resources or status for another's benefit or advantage is considered exploitation.
  - E. **Investigation** shall mean a formal procedure for the collection, review and examination of evidence regarding allegations of abuse, neglect, exploitation, serious

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injury of unknown cause, suspicious injury or unexpected or unexplained death of an individual receiving services and supports through DIDD.

- F. **Neglect** shall mean the failure to provide goods or services necessary to avoid physical harm, mental anguish or mental illness, which results in injury or probable risk of serious harm.
  
- V. **POLICY:** The Department shall establish and maintain an Abuse Registry Review Committee. The committee shall review and examine cases and make decisions regarding referrals for placement of individuals on the Abuse Registry.
  
- VI. **PROCEDURES:**
  - A. Abuse Registry Review Committee Members
    - 1. The ARRC chairperson shall be an employee of DIDD but shall not cast a vote except in the event of a tie. The committee's membership shall consist of the following nine (9) members appointed by the Commissioner or his or her designee:
      - a. One (1) representative from the Bureau of TennCare.
      - b. One (1) representative from the Department of Human Services, Adult Protective Services Division.
      - c. Two (2) representatives from the Department of Intellectual and Developmental Disabilities, one of whom shall serve as the committee chairperson.
      - d. One (1) representative from the Department of Mental Health and Substance Abuse Services.
      - e. One (1) representative from Disability Rights Tennessee.
      - f. One (1) individual with expertise in health services.
      - g. One (1) representative from a DIDD-contracted provider of services
      - h. One (1) member of the community who is not affiliated with DIDD nor a provider of services and supports funded by DIDD.

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B. Committee Meetings

1. The ARRC shall meet when necessary to conduct business before it. The ARRC chairperson shall set the meeting date and time and provide reasonable advance notice to the members.
2. A quorum shall consist of five (5) committee members present at the meeting.
3. Members shall be present for their votes to be counted. Votes submitted via email, letter, phone or proxy will not be accepted.
4. The ARRC chairperson shall send the documents to be reviewed to committee members no less than seven (7) days prior to the next scheduled meeting.
5. The meeting minutes shall reflect the outcome of the committee's deliberations.

C. Abuse Registry Referrals

1. The ARRC shall, upon review of the cases before it:
  - a. Determine whether further information is necessary before making a decision. If so, the ARRC chairperson shall request further information from the DIDD Director of Investigations. Upon receipt, the ARRC chairperson shall present the requested information at the next regularly scheduled committee meeting.
  - b. Determine which offenders shall be referred for placement on the Abuse Registry.
2. Upon the committee's decision to refer an offender for placement on the Abuse Registry, the following shall occur:
  - a. Within five (5) business days of the committee's determination, the ARRC chairperson shall notify the Commissioner or designee and the Office of General Counsel.
  - b. Within thirty (30) business days of receiving notification of the referral, the Office of General Counsel shall issue written notice via certified mail sent to the person's last known address.

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- c. The notice shall include:
  - 1. The nature of the allegation(s).
  - 2. A statement of the individual's right to an administrative hearing if requested in writing within sixty (60) calendar days from the date of the notice.
  - 3. A statement that the failure to request an administrative hearing shall result in placement of the person's name on the Abuse Registry and reporting to the appropriate occupational registry and/or licensure authority.

VII. **CQL STANDARDS**: 4a

VIII. **REVISION HISTORY**: January 14, 2016

IX. **TENNCARE APPROVAL**: N/A

X. **ATTACHMENTS**: None